

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36515 of 2017

Arising Out of PS.Case No. -108 Year- 2017 Thana -MAHARAJGANJ District- SIWAN

- =====
1. Rakesh Sharma S/o Dayanand Sharma
 2. Dyanand Sharma S/o Gorakh Sharma
 3. Nikan Pandey S/o Mahatma Pandey All resident of Village-
Dhobwaliya, P.S. Maharajganj, District- Siwan.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Advocate
Mr. Ranjan Kumar Dubey, Advocate
For the Opposite Party/s : Mr. Shailendra Kumar Singh, APP
For the Informant : Mr. (Dr.) Amarendra Kumar, Advocate

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 05-09-2017 Heard learned counsel for the petitioners, learned
counsel for the informant and the learned A.P.P. for the State.

Petitioners are languishing in judicial custody since 19.06.2017 in connection with Maharajganj P.S. Case No. 108 of 2017 registered for the offence punishable under Sections 341, 323, 324 and 379/34 of the Indian Penal Code and thereafter charge-sheet has been submitted under Section 307 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is that while he was unloading the bricks for construction on his plot, the petitioners along with others came armed with danda, farsa and



iron rod and assaulted the informant, his son and other family members, as a result, they got injured. Allegation upon petitioner no.1 is of causing injury on the son of the informant by means of farsa and petitioner no.2 is alleged to have assaulted the informant by iron rod on his hand.

It is submitted by the learned counsel for the petitioners that they are innocent and there was a land dispute between the parties and a counter case had been lodged by the petitioner's side bearing Maharajganj P.S. Case No. 109 of 2017 for the same occurrence on the same day. He submits that the petitioners bear no criminal history.

However, learned counsel for the informant and the learned A.P.P. for the State oppose the prayer for bail stating therein that the injuries found on the son of the informant have been assessed to be grievous in nature and that charge-sheet has been submitted under Section 307 of the Indian Penal Code.

Considering the facts and circumstances and the materials on record, let petitioner nos. 2 and 3, namely, Dyanand Sharma and Nikan Pandey be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (Rs. Ten thousand only) each with two sureties of the like amount each to the satisfaction of the learned



Additional Chief Judicial Magistrate, Siwan in connection with Maharajganj P.S. Case No. 108 of 2017, subject to the condition that both the bailors would be close relative of petitioner nos. 2 and 3.

So far petitioner no.1, Rakesh Sharma is concerned, since allegation upon him is of hitting the son of the informant causing grievous injury, let him be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (Rs. Ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Siwan in connection with Maharajganj P.S. Case No. 108 of 2017 after completion of six months in custody, subject to the condition that his both the bailors would be close relative.

(Nilu Agrawal, J.)

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